

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 6, 2020**, at **3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Ron Bartcher; Brian Woltz; Mark Wadsworth, Chair; Bruce Moia; Peter Filiberto, Vice Chair; Joe Buchanan; and Dane Theodore.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Approval of the February 10, 2020, Minutes

Motion by Bruce Moia, seconded by Peter Filiberto, approve the minutes of February 10, 2020. The motion passed unanimously.

Theodore Goodenow (Chad Genoni / Kim Rezanka)

A Small Scale Comprehensive Plan Amendment (20S.02) to change the Future Land Use designation from PI (Planned Industrial) to RES 2 (Residential 2). The property is 4.85 acres, located on the east side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (20PZ00024) (Tax Account 2105262 – partial) (District 1) This item was automatically tabled by the applicant.

Theodore Goodenow (Chad Genoni / Kim Rezanka)

A change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 62 units. The property is 31.43 acres, located on the west side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (19PZ00158) (Tax Account 2105262) (District 1) This item was automatically tabled by the applicant.

James and Mary Murray (Dan Quattrocchi)

A change of zoning classification from AU (Agricultural Residential) to EU (Estate Use Residential). The property is 0.57 +/- acres, located on the east side of South Tropical Trail, approximately 850 feet north of Old Settlement Road. (3720 South Tropical Trail, Merritt Island) (20PZ00015) (Tax Account 2511451) (District 2) This item was automatically tabled by the applicant.

River Fly-In Condominium, Inc. (Kim Rezanka)

An amendment to an existing BDP (Binding Development Plan) in a PUD (Planned Unit Development) zoning classification. The property is 13.03 acres, located on the south side of Cone Road, approximately 150 feet east of Kemp Street; and on the east side of Kemp Street, approximately 145 feet south of Cone Road. (735 & 741 Pilot Lane, Merritt Island) (20PZ00019) (Tax Account 2501008) (District 2)

Kim Rezanka, Cantwell & Goldman, P.A., stated the individuals who own condominiums would like to do short-term rentals; ownership will not change, just the use. She stated Section 62-1841.5.5 deals with resort dwellings, and this is a resort dwelling use, but it's permitted with conditions. The existing binding development plan is proposed to be amended to ensure everyone is aware this is possible and that it has to comply with code. She noted the property was approved as a PUD in 2006; the site plan and amenities building have been approved; and construction on the condominium will begin soon.

Joe Buchanan asked if a management team has been put together. Ms. Rezanka replied yes, there will be a management team on site.

Bruce Moia stated the BDP stipulates no more than six occupants per unit, and it also says cannot exceed the number of rooms in the dwelling unit. He asked if the two conflict with each other. Ms. Rezanka replied it means there can be no more than six, but there can be less. She noted that the language in the BDP was taken out of the ordinance. Mr. Moia asked what is considered a room. Ms. Rezanka noted the ordinance references a room as established by the floor plan. Mr. Moia asked if it is duplicative language that will be in the BDP as well as the ordinance. Ms. Rezanka replied yes.

Mr. Bartcher asked if the request has been heard by MIRA (Merritt Island Redevelopment Agency). Mr. Ball replied no, it has not. Mr. Bartcher asked if the board wanted to have MIRA's input before making a recommendation. Mr. Moia stated it is unusual that MIRA doesn't hear a request before the Planning and Zoning Board. Ms. Rezanka stated MIRA was scheduled to hear the request last month, but the meeting was cancelled. Mr. Moia asked if there is a time issue that the request need to be heard by P&Z before MIRA. Ms. Rezanka replied the applicant has to submit a minor amendment to the PUD. Mr. Ball advised that the next MIRA meeting is April 30, 2020.

No public comment.

Motion by Bruce Moia, seconded by Joe Buchanan, to approve the amendment to an existing BDP in a PUD zoning classification. The motion passed unanimously.

Troy Yates

A Small Scale Comprehensive Plan Amendment (20S.01) to change the Future Land Use designation from RES 4 (Residential 4) to CC (Community Commercial). The property is 0.44 acres, located on the east side of Grissom Parkway, approximately 0.23 mile south of Canaveral Groves Boulevard. (No assigned address. In the Cocoa area.) (20PZ00020) (Tax Account 2400600) (District 1)

Troy Yates

A change of zoning classification from GU (General Use) to BU-1 (General Retail Commercial). The property is 0.44 acres, located on the east side of Grissom Parkway, approximately 0.23 mile south of Canaveral Groves Boulevard. (No assigned address. In the Cocoa area.) (20PZ00021) (Tax Account 2400600) (District 1)

Troy Yates, 4020 Royal Palm Avenue, Cocoa, stated he would like to have a metal building on the property to do lawn mower repair and sales.

No public comment.

Motion by Bruce Moia, seconded by Peter Filiberto to approve the Small Scale Comprehensive Plan Amendment (20S.01) to change the Future Land Use designation from RES 4 to CC. The motion passed unanimously.

Motion by Bruce Moia, seconded by Peter Filiberto to approve the change of zoning classification from GU to BU-1. The motion passed unanimously.

Michael Richard and Carina Emma Hugoboom

A change of zoning classification from GU (General Use) to AU(L) (Agricultural Residential, Low-Intensity). The property is 1 acre, located on the north side of Oneida Street, approximately 304 feet east of Dakota Avenue. (3656 Oneida Street, Cocoa) (20PZ00022) (Tax Account 2404041) (District 1)

Michael Hugoboom, 3656 Oneida Street, Cocoa, stated he would like to build a guesthouse and an accessory building.

Bruce Moia stated this type of request is one the board sees often and it is consistent with the area.

No public comment.

Motion by Bruce Moia, seconded by Joe Buchanan, to approve the change of zoning classification from GU to AU(L). The motion passed unanimously.

Brevard County (Euri Rodriguez)

1.) a change of zoning classification from GML (Government Managed Lands) to GML(H) (Government Managed Lands, High-Intensity; 2.) a CUP (Conditional Use Permit) for a Solid Waste Management Facility; 3.) Removal of existing BDP (Binding Development Plan); 4.) Waiver of the 400-foot setbacks; 5.) Request to limit building height to 55 feet. The property is 17.5 acres, located on the west side of South Street, due west of South Park Avenue. (3600 South Street, Titusville) (20PZ00026) (Tax Account 2209623) (District 1)

Thomas Mulligan, Assistant Director, Solid Waste Management Department, stated Solid Waste is looking to replacing the existing Titusville transfer station with a new transfer station that would be located on the northern parcel of the Mockingbird Mulching Facility.

Ron Bartcher asked if something is wrong with the current transfer station. Mr. Mulligan replied the current transfer station was built in 1976 and uses hydraulic compression technology that is now over 40 years old; the parts are no longer made and the facility is in constant maintenance. The new transfer station will allow a pit technology similar to the Sarno transfer station, and it will serve the north area of the county for the next 50 years. The new station cannot be located where the current station is because of space and it needs to continue to operate while constructing the new one. Mr. Bartcher stated he has a concern about the traffic on State Road 405, and this will add to the traffic. Mr. Mulligan stated there will be a left-turn lane into the new facility. He noted the scale house is further into the property, so there is more room for trucks on the property.

No public comment.

Motion by Joe Buchanan, seconded by Ron Bartcher, to approve the following: 1.) a change of zoning classification from GML (Government Managed Lands) to GML(H) (Government Managed Lands, High-Intensity; 2.) a CUP (Conditional Use Permit) for a Solid Waste Management Facility; 3.) Removal of existing BDP (Binding Development Plan); 4.) Waiver of the 400-foot setbacks; 5.) Request to limit building height to 55 feet. The motion passed unanimously.

Temporary Moratorium on New Applications of Biosolids to Lands Within Brevard County

Virginia Barker, Director, Natural Resources Management Department, stated staff would like an extension on the biosolids moratorium for another 180 days. On March 24th, the County Commission considered data that has been collected since the moratorium was adopted, and provided legislative intent to extend the current moratorium. Staff collaborated with the University of Florida, the U.S. Department of Agriculture and Conservation Service, Brevard Soil and Water Conservation District, Department of Environmental Protection, and the Water Management District, collecting soil samples, water samples, and grass tissues on Deer Park Ranch. Based on that study, there were no manmade chemicals coming off of the farm, but there were high levels of phosphorus leaving the site following rainfall.

Peter Filiberto asked the reason for the extension. Ms. Barker replied last summer the State acknowledged that biosolids application was probably an issue and they were working on changing State rules. A technical advisory group made a recommendation, and then the legislature made some additional changes, adopting a bill that had language that was slightly different than what the State had proposed. She stated hopefully in the future there will be State rules to address the issue, but in the meantime, a local moratorium is a stop gap measure.

No public comment.

Motion by Bruce Moia, seconded by Joe Buchanan to approve the temporary moratorium on new applications of biosolids to lands within Brevard County.

Upon consensus, the meeting adjourned at 3:11 p.m.